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Chambers of Vincent L. Briccotti

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ROCCO ROMEO,

Defendant.

ORDER

S1 19 CR 586 (VB)

On December 2, 2022, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets in this case. (Doc. #70). On February 16, 2023, defendant, proceeding <u>prose</u>, moved to enjoin the government from forfeiting a specific asset pursuant to that order. (Doc. #71). On March 27, 2023, the Court denied defendant's motion. (Doc. #80). On March 29, 2023, defendant filed a notice of appeal from the Court's March 27 order (Doc. #81), and an appeal is currently pending in the Second Circuit.

By letter dated July 10, 2023, the government requests that the Court enter a proposed Final Order of Forfeiture. (Doc. #83). Although it is not clear to the Court that notice to the defendant of the government's request is required, it does not appear from the government's submission that defendant was provided with such notice.

By July 19, 2023, the government is directed to submit a letter with respect to whether (i) the Court has the authority to issue the proposed Final Order of Forfeiture while defendant's appeal is pending, and (ii) even if the Court has such authority, whether there is any reason why the Court should not wait until after the appeal is decided to issue the proposed order. By August 2, 2023, defendant may file a letter in response to the government's letter.

Chambers will mail a copy of this Order to defendant at the following address:

Rocco Romeo 3 Paul Court Washingtonville, NY 10992

Dated: July 12, 2023

White Plains, NY

SO ORDERED:

Vincent L. Briccetti

United States District Judge